

**CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES**

P.O. Box 419064, Rancho Cordova, CA 95741-9064



October 31, 2011

LCSA LETTER: 11-07

ALL IV-D DIRECTORS

Reason for this Transmittal

- ☐ State Law or Regulation Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Change
- ☐ Clarification requested by One or More Counties
- ☒ Initiated by DCSS

SUBJECT: SENATE BILL 1355/FAMILY CODE DIVISION 9, PART 2, CHAPTER 1,  
SECTION 4007.5 – DATA COLLECTION, ANALYSIS, AND REPORTING  
PROCESS

Reference: CSS Letter 11-08, dated June 23, 2011

Purpose

The intent of this communication is to inform IV-D Directors of the Department of Child Support Services (DCSS) research effort to gather data that will show how many incarcerated obligors file petitions for Family Code (FC) 4007.5 relief between July 1, 2011, and July 1, 2015. Of the petitions filed, how many of the petitions are granted or denied; if denied, the reason why; and, if granted, the dollar amount adjusted.

Background

Senate Bill (SB) 1355 added Section 4007.5 to the Family Code. This section is applicable to all child support orders being enforced by local child support agencies (LCSAs) that are issued or modified between July 1, 2011, and July 1, 2015.

Family Code 4007.5 includes these provisions:

- The statute provides for an adjustment of arrears should they accrue during periods of incarceration or institutionalization, subject to court approval.
- The obligor may petition the court under FC Section 4007.5 to request arrears adjustment.
- The court may adjust the arrears from the first day of incarceration, forward, if an obligor is incarcerated/institutionalized for more than 90 consecutive days.

- Incarceration or involuntary institutionalization includes, but is not limited to, involuntary confinement to a state prison, county jail, juvenile facility, or mental health facility.

#### Recording, Collecting, Analyzing, and Reporting

Although this statute contains no provisions for data collection and analysis, DCSS concluded data must be gathered that could be used as a basis for amending, repealing, or extending the statute. Therefore, DCSS is implementing a process for recording, collecting, analyzing, and reporting essential information.

In order to query the Child Support Enforcement (CSE) system for the necessary information, DCSS is asking all LCSAs to enter information relative to FC 4007.5 into CSE, consistent with a procedure DCSS has developed. The procedure does not change the way LCSAs currently enter information into CSE, but does require designated language to be used in specified locations.

Because the statute states, "an obligor may petition the court for an adjustment of the arrears," DCSS will focus on collecting data pertaining to cases in which petitions are filed by obligors.

The procedure is entitled "FC 4007.5 Data Collection" and can be found on CA Central/Reference Material/Training/Course Materials/SB 1355. Use of this procedure is effective immediately.

If you have any questions or concerns regarding this matter, please contact Cindi Pocaroba at (916) 464-5883.

Sincerely,

/os/

KAREN ECHEVERRIA  
Acting Deputy Director  
Child Support Services Division

cc: Outreach Coordinators

Attachment

## FC 4007.5 Data Collection Procedure

### Actions Needed by LCSA

#### Data to Enter & Entry Location

When a petition is filed:

On Case tab, Legal Activities List page –

Scroll to bottom of page.  
 Add “Other Party Legal Action.”  
 Select “NCP Motion Received” in drop-down box.  
 Enter filed date.  
 Type “FC 4007.5 petition filed” in description box.  
 Click “select” to link the hearing date.  
 Click “save” to finish.

When a petition has been granted or denied:

On Legal Activities tab on Court Order List page –

- Add Support Order.
- Enter Order Type and other details such as date it was signed and filed.
- In the “Additional Orders and Instructions” comment box, record whether petition has been granted or denied by typing “FC 4007.5 petition granted” or “FC 4007.5 petition denied.”
- If denied, record why (example: ineligible because court order was filed prior to 7/1/11)
- If granted, record total amount adjusted and the period for which the support was adjusted.